

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Alpine Valley Ski Area Leasing Inc v Richard Zoner**

Docket No. **260787**

L.C. No. **2003-050671-CZ**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the December 15, 2004 judgment in plaintiffs' favor is DISMISSED for lack of jurisdiction since appellants failed to file their appeal within 21 days of the entry of the January 6, 2005 order denying their motion for reconsideration. MCR 7.202(6)(a)(i), 7.203(A)(1), and 7.204(A)(1)(a). Unfortunately, the motion for case evaluation sanctions did not extend the time appellants had to file their claim of appeal. *Baitinger v Brisson*, 230 Mich App 112, 116; 583 NW2d 481 (1998). If appellants still want to challenge the December 2004 order, they must file a delayed application for leave to appeal under MCR 7.205. See MCR 7.203(B)(5).

The claim of appeal from the January 20, 2005 assessing case evaluation sanctions may nevertheless go forward as this order is a final order that is appealable in and of itself and was filed within the time allotted by the court rules. MCR 7.202(6)(a)(iv), 7.203(A)(1), and 7.204(A)(1)(a).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 15 2005  
Date

*Sandra Schultz Mengel*  
Chief Clerk